

REMARKS/ARGUMENTS

Claims 1-46 and 60-73 are pending in this application. Independent claims 1, 19, 29 and 41, which recite processes for preparation of certain 2',3'-dideoxy-2',3'didehydronucleosides, have been amended to clarify that step (1) is performed at a temperature from about 0°C to 60°C. Claims 66-73 have been added to specify temperature ranges. These amendments find support in the specification, for example at page 104, lines 7-10. Applicants reserve the right to present any canceled or withdrawn subject matter in one or more continuation or divisional applications.

The claims have been amended in light of reference AE (EP 0 334 368), cited in the Form 1449 received at Technology Center 1600 on January 16, 2003 and initialed by Examiner McKenzie on July 13, 2003. Reference AE describes a process of preparing a 2',3'-dideoxy-2',3'didehydronucleoside by reacting a ribonucleoside with acyloxyisobutyryl bromide in a polar solvent at an elevated temperature of about 75-100°C. Amended claims 1, 19, 29 and 41 recite a limitation on the claimed process wherein the reaction of step (1) is performed at a lower temperature from about 0°C to 60°C.

Oath/Declaration

Applicants note the continued objection against the Declaration of Inventor Jin, in which the Inventor's address was amended. Applicants reiterate the arguments made in response to Office Actions of November 25, 2003, and May 5, 2004. Nevertheless, to promote prosecution and allowance of the application, Applicants enclose a copy of a Petition under 37 C.F.R. § 1.47(a) to accept the application without the signed Declaration of Inventor Jin. The Petition was forwarded via facsimile transmission to the Petitions Branch of the U.S.P.T.O. on October 26, 2004. Copies of the signed Declaration of co-inventor Confalone and a statements of the pertinent facts are also enclosed for the Examiner's convenience. Applicants request that the Examiner accept this Petition as fulfilling the requirement for a substitute Declaration.

Appl. No. 10/087,112

Amendment Dated October 27, 2004

Reply to Notice of Allowance dated July 28, 2004

Should the Commissioner determine that a fee is required with this correspondence, he is authorized to charge such fees to Deposit Account No. 11-0980.

Respectfully submitted,

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